

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(Camden Vicinage)**

BMW AUTO SALES, INC.,

Plaintiff,

v.

Civil Action No.: 1:21-cv-14647 (JHR) (SAK)

RED WOLF LOGISTICS, LLC; JOHN DOE(S)
(1-10); ABC BUSINESS ENTITIES (1-10)
(fictitious names),

Defendant(s)/Third Party Plaintiff(s),

v.

JHD LOGISTICS, LLC; EXCELLENCE
LIFESTYLE, LLC; RYION COOLEY; QUINTAE
CONQUERS; CLIFFORD HUBBARD; JOHN
DOE(S) (1-10); ABC CORP(S) (1-10) (fictitious
names),

Third Party Defendant(s).

**DEFENDANT'S, RED WOLF LOGISTICS, LLC, REQUEST FOR ENTRY OF DEFAULT AS
AGAINST THIRD PARTY DEFENDANTS**

TO:

Joseph D. Lento, Esquire
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Attorneys for Plaintiff – BMW Auto Sales, Inc.

Defendant/Third Party Plaintiff, Red Wolf Logistics, LLC (hereinafter referred to as “Defendant” or “Red Wolf”), hereby requests the entry of default pursuant to Federal Rule of Civil Procedure 55(a) against Third Party Defendants’, JHD Logistics, LLC; and Clifford Hubbard. An Affidavit in support of this request is attached hereto.

CIPRIANI & WERNER, P.C.



MARC R. JONES, ESQUIRE
Attorneys for Defendant/Third Party Plaintiff – Red
Wolf Logistics, LLC
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DATED: January 10, 2022

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(Camden Vicinage)**

BMW AUTO SALES, INC., Plaintiff, v. RED WOLF LOGISTICS, LLC; JOHN DOE(S) (1-10); ABC BUSINESS ENTITIES (1-10) (fictitious names), Defendant(s)/Third Party Plaintiff(s), v. JHD LOGISTICS, LLC; EXCELLENCE LIFESTYLE, LLC; RYION COOLEY; QUINTAE CONQUERS; CLIFFORD HUBBARD; JOHN DOE(S) (1-10); ABC CORP(S) (1-10) (fictitious names), Third Party Defendant(s).	Civil Action No.: 1:21-cv-14647 (JHR) (SAK)
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AFFIDAVIT IN SUPPORT OF REQUEST FOR ENTRY OF DEFAULT

I, MARC R. JONES ESQUIRE, being first duly sworn, deposes and certify that:

1. I am an attorney duly licensed to practice in the State and District of New Jersey.
2. I am a partner with the law firm of Cipriani and Werner and represent the Defendant/

Third Party Plaintiff, Red Wolf Logistics, LLC (hereby referred to as “Defendants” or “Red Wolf”) in this matter and certify that I am familiar with the facts of this case.

3. This affidavit is executed by me in accordance with F.R.C.P. (55) for the purpose of obtaining entry of default against Third Party Defendants’ JHD Logistics, LLC and/or Clifford Hubbard hereby referred to as “JHD” and “Hubbard” and/or collectively as “Third Party Defendants”.

4. Rule 55(a) of the Federal Rules of Civil Procedure state in pertinent part that:
“When a party...has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default”. [Emphasis added].

5. On August 6, 2021, Red Wolf, filed a petition for removal from state court to federal court.

6. On August 13, 2021, Red Wolf, filed an Amended Answer, Defense and Amended Third Party Complaint against the named Third Party Defendants.

7. The Court conducted an initial scheduling conference and issued an order on September 1, 2021. (**Exhibit “A”**)

8. A Supplemental Scheduling Order was amended on December 1, 2021. (**Exhibit “B”**)

9. A representative of JHD Trucking, LLC was served with a summons on August 26, 2021. (**Exhibit “C”**)

10. The summons stated that “**within 21 days** after service...you must serve on the plaintiff an answer...**if you fail to respond, judgment by default will be entered** against you for the relief demanded in the third –party complaint”. (**Exhibit “C”**)

11. As of the date of this request more than (21) days has since elapse from the date of service and nothing has been forth coming by JHD Trucking LLC.

12. No person has filed or otherwise appeared on behalf of JHD Trucking LLC, nor has any person answered the Third-Party Complaint and the time to do such has expired.

13. Mr. Hubbard was personally served with a summons on August 21, 2021. (**Exhibit “D”**)

14. The summons stated that “**within 21 days** after service...you must serve on the plaintiff an answer...**if you fail to respond, judgment by default will be entered** against you for the relief demanded in the third –party complaint”. (**Exhibit “D”**)

15. As of the date of this request more than (21) days has since elapse from the date of service and nothing has been forth coming by Hubbard.

16. No person has filed or otherwise appeared on behalf of Hubbard, nor has any person answered the third-party complaint and the time to do such has expired.

17. To date the Third-Party Defendants' have failed to answer and otherwise defense as set forth by F.R.C.P. (55) (a). As such, Red Wolf, would like to request entry of default against the Third-Party Defendants, JHD Trucking, LLC and Hubbard.

CIPRIANI & WERNER, P.C.



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DATED: January 10, 2022

Sworn to and subscribed before me this 10th day of January, 2022



Kathryn A. Scher

SIGNATURE OF NOTARY PUBLIC

SEAL

